**THE HON'BLE SRI JUSTICE V.ESWARAIAH**

**WRIT PETITION No.6480 of 2007**

Between:

M/s.Super Industries.

.. PETITIONER

and

The District Supply Officer (City) and another.

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RESPONDENTS

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**ORDER:**

It is stated that the petitioner, which is a Dal Mill, is a licensee under

A.P.Scheduled Commodities Dealers (Licence and Distribution) Control Order, 1982, (for short "Control Order") to convert Dal into Grams. While so, on 21-02-2007, the Vigilance officials inspected the premises of the petitioner and found variation of various stocks, viz., Bengal Gram (Whole), Bengal Gram Dal (Finished), Bengal Gram Dal (Semi-finished), Bengal Fried Gram (Putana) and Bengal Fried Gram (Semi finished) and seized the goods.

It is stated that 6-B proceedings are pending before the 2nd respondent with regard to the confiscation of the said seized goods. It is stated that the license is valid upto 31-03-2007 and the petitioner applied for renewal of the license.

There is no dispute that two parallel proceedings are initiated i.e., confiscation of the seized goods as well as suspension of license of the petitioner, pending enquiry.

The learned counsel for the petitioner submits that basing on the aforesaid inspection and preliminary enquiry report, the 1st respondent came to a final conclusion that the irregularities have been proved and the petitioner has failed to maintain true and correct accounts with a malafide intention for its illegal gain by contravening the conditions of the Control Order.

It is further stated that without issuing any show cause notice and any reasonable opportunity to the petitioner, the said conclusion cannot be drawn.

It is true that without issuing any show cause notice and any reasonable opportunity to the petitioner, the respondent cannot assume and presume or come to a final conclusion, basing on the inspection and verification report. However, the impugned order is only the order, pending enquiry, which is incidental and ancillary to pass final order of

suspension or cancellation. Therefore, I am of the opinion that it is just and proper to direct the 1st respondent to issue a show cause notice to the petitioner, so as to give reasonable opportunity to the petitioner, before passing appropriate final orders.

Accordingly, the writ petition is disposed of directing the 1st respondent to issue a show cause notice to the petitioner forthwith calling upon the petitioner to submit explanation within seven days from the date of a show-cause notice and the final orders shall be passed within three weeks from the date of receipt of the explanation from the petitioner. There shall be no order as to costs.

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02-04-2007

Note:
Issue C.C. in two days
(B/o)
Prv